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## 13 | Attorneys for Plaintiffs and the Proposed Classes

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

17 STACIA STINER; RALPH CARLSON, in his  
18 capacity as Trustee of the Beverly E. Carlson and  
Helen V. Carlson Joint Trust; LORESIA  
19 VALLETTE, in her capacity as representative of  
the Lawrence Quinlan Trust; MICHELE LYTLE,  
in her capacity as Trustee of the Boris Family  
20 Revocable Trust; RALPH SCHMIDT, by and  
through his Guardian Ad Litem, HEATHER  
21 FISHER; PATRICIA LINDSTROM, as  
successor-in-interest to the Estate of ARTHUR  
22 LINDSTROM; BERNIE JESTRABEK-HART;  
and JEANETTE ALGARME; on their own  
23 behalves and on behalf of others similarly  
situated.

**Plaintiffs,**

V.

26 BROOKDALE SENIOR LIVING, INC.;  
27 BROOKDALE SENIOR LIVING  
COMMUNITIES, INC.; and DOES 1 through  
100

#### Defendants.

Case No. 4:17-cv-03962-HSG (LB)

**DECLARATION OF GAY  
CROSTHWAIT GRUNFELD IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

Date: May 26, 2022  
Time: 2:00 p.m.  
Place: Courtroom 2  
Judge: Hon. Haywood S. Gilliam, Jr.

1 I, Gay Crosthwait Grunfeld, declare:

2       1. I am an attorney duly admitted to practice before this Court. I am a partner in the  
 3 law firm of Rosen Bien Galvan & Grunfeld LLP (“RBGG”), co-lead counsel of record for  
 4 Plaintiffs and the Proposed Classes, along with Guy B. Wallace and Kathryn A. Stebner. I have  
 5 personal knowledge of the facts set forth herein, and if called as a witness, I could competently so  
 6 testify. I make this declaration in support of Plaintiffs’ Motion for Class Certification.

7           **BACKGROUND AND RELEVANT EXPERIENCE OF RBGG ATTORNEYS**

8       2. From its formation in 1990, RBGG has been nationally recognized for its civil  
 9 rights, consumer, and antitrust class action litigation. Class action and other complex litigation is  
 10 the major focus of our law firm. RBGG employs 23 attorneys and has acted or is acting as class  
 11 counsel in many cases. The firm has represented clients at all court levels, including the federal  
 12 and state trial courts, the California Courts of Appeal, the California Supreme Court, the Ninth  
 13 Circuit Court of Appeals, and the United States Supreme Court. Best Lawyers in America placed  
 14 the firm in the first tier nationally in Appellate Practice, and locally in Commercial Litigation,  
 15 Employment Law-Individuals, and Civil Rights for 2021.

16       3. I have been a named partner of RBGG since 2012. All of the firm’s partners are  
 17 AV-rated by Martindale Hubbell and have been repeatedly named as SuperLawyers. Nine of the  
 18 firm’s Senior Counsel and Associates were named Rising Stars by SuperLawyers in 2021,  
 19 including Benjamin Bien-Kahn, Jenny S. Yelin, and Amy Xu, the other three RBGG attorneys  
 20 currently working on this case. I have been repeatedly named to the *Daily Journal’s* list of  
 21 Top 100 Lawyers in California and to the SuperLawyers Northern California Top 50 Women  
 22 Lawyers.

23       4. I graduated from Columbia Law School in 1984 as a Harlan Fiske Stone Scholar  
 24 and Articles Editor of the Columbia Law Review, after which I clerked for the Honorable Jack B.  
 25 Weinstein of the United States District Court for the Eastern District of New York. I was admitted  
 26 to the California bar in 1985. I am a member of the bars of the United States Supreme Court, the  
 27 Ninth Circuit Court of Appeals and the Northern and Eastern Districts of California. I serve as an  
 28 elected member of the Conference Executive Committee of the United States Court of Appeals for

1 the Ninth Circuit.

2       5. My colleagues and I regularly represent plaintiffs in federal and state courts, both in  
 3 individual plaintiff matters and collective or class actions, and we have developed significant  
 4 expertise in Americans with Disabilities Act litigation. The firm is currently lead or co-lead  
 5 counsel for the Plaintiff class in the following class actions pending in the United States District  
 6 Court for the Northern and Eastern Districts of California: *Coleman v. Brown*, E.D. Cal. No. 2:90-  
 7 cv-00520-KJM-DB; *Armstrong v. Brown*, N.D. Cal. No. C 94-2307 CW; *Hedrick v. Grant*, E.D.  
 8 Cal. No. 2:76-CV-00162-GEB-EFB; *Cole v. County of Santa Clara*, N.D. Cal. No. 5:16-cv-  
 9 06594-LHK; *Hernandez v. County of Monterey*, N.D. Cal. No. 5:13-cv-02354-BLF-NMC; and  
 10 *Babu v. County of Alameda*, N.D. Cal. No. 5:18-cv-07677-NC.

11       6. We were lead counsel in the following employment class or representative actions:  
 12 *Olabi v. Neutron Holdings, Inc.*, San Francisco Superior Court Case No. CGC-18-569564 (JCCP  
 13 No. 5044) (approval of PAGA settlement benefitting 16,000 workers granted July 13, 2021);  
 14 *Smith v. Shorenstein Hays-Nederlander Theatres LLC*, San Francisco Superior Court Case No.  
 15 CGC-16-554905 (final settlement approval granted March 19, 2018); co-lead counsel in *Quinby v.  
 16 ULTA Salon, Cosmetics & Fragrance, Inc.*, N.D. Cal. Case No. C-15-4099-WHO (final settlement  
 17 approval order entered January 18, 2017) and *Sunner v. Kenneth R. Turnage II General  
 18 Contractor, Inc.*, Alameda County Superior Court Case No. RG15772244 (final settlement  
 19 approval order entered February 15, 2017); and lead counsel in *Ramirez v. Ghilotti Bros., Inc.*,  
 20 N.D. Cal. Case No. C-12-04590-CRB (final settlement approval order entered April 21, 2014).  
 21 We also currently serve as co-counsel in *Moore v. Cal. Department of State Hospitals*, Los  
 22 Angeles Superior Court Case No. 19STCV16858, a wage and hour class action in which  
 23 preliminary approval of a class action settlement was recently granted.

24       7. I currently serve as one of the lead counsel in *Armstrong*, a class action on behalf of  
 25 thousands of California prisoners and parolees with disabilities, and *Hedrick*, a class action on  
 26 behalf of hundreds of prisoners in the Yuba County Jail. I was approved as class counsel by San  
 27 Francisco Superior Court Judge Kahn in *Smith*, by U.S. District Judge Breyer in *Ramirez*, by U.S.  
 28 District Judge Orrick in *Quinby*, by then-U.S. Magistrate Judge Grewal in *Hernandez*, and by

1 former Alameda County Superior Court Judge Hernandez in *Sunner*. I previously served as class  
 2 counsel in *L.H. v. Brown*, E.D. Cal. No. CIV. S-06-2042 LKK/GGH, a due process and Americans  
 3 with Disabilities Act class action on behalf of hundreds of juvenile parolees.

4 **RBGG IS COMMITTED TO PURSUING RELIEF FOR THE PUTATIVE CLASS**

5 8. RBGG is committed to the full and thorough preparation of this case through the  
 6 performance of any necessary and reasonable discovery, and is willing to take this case to trial.  
 7 Our firm is committed to acting in the best interests of the class, and understands our duties in that  
 8 regard under applicable federal law.

9 9. Since being retained to pursue this class action in 2017, RBGG has devoted  
 10 substantial resources to the case, including through multiple attorneys and paralegals who have  
 11 worked diligently towards filing this Motion for Class Certification. Currently, the other three  
 12 primary RBGG attorneys currently working on the case are Senior Counsel Benjamin Bien-Kahn,  
 13 a 2009 graduate of UCLA School of Law, Senior Counsel Jenny S. Yelin, a 2010 graduate of UC  
 14 Berkeley School of Law, and Associate Amy Xu, a 2015 graduate of Washington University  
 15 School of Law.

16 **THIS ACTION IS SUITABLE FOR CLASS CERTIFICATION**

17 10. I believe the class of Plaintiffs in this case is too numerous for joinder to be  
 18 practicable. I consider a class action superior to any other method for resolving this case because  
 19 the risk of substantial prejudice from separate actions is high. In addition, numerous common  
 20 questions of law and/or fact are presented. Without certification, Plaintiffs may only pursue  
 21 individual lawsuits, creating undue hardship on the various Plaintiffs, Defendant, and the Court.  
 22 Certification would, I believe, avoid the prejudice present in separate actions by eliminating  
 23 inconsistent decisions and affording all class members relief through a single proceeding. Because

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1 of the efficiency of the class action mechanism in this regard, I believe that class certification  
2 would be in the best interests of Plaintiffs, Defendant, and the Court.

3 I declare under penalty of perjury under the laws of the United States of America that the  
4 foregoing is true and correct, and that this declaration is executed at San Francisco, California this  
5 12<sup>th</sup> day of August, 2021.

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8 Gay Crosthwait Grunfeld

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